

FITZPATRICK
36429-072103



ROANOKE CITY COUNCIL
REGULAR SESSION

JULY 21, 2003
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

- 1. Call to Order--Roll Call.** (Council Member Fitzpatrick was absent.)

The Invocation was delivered by The Reverend J. Donald Earwood, Associate Pastor, Villa Heights Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Wednesday, July 23, 2003, at 7:00 p.m., and Sunday, July 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

REGULAR SESSION

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A Resolution memorializing the late Clare White.

Adopted Resolution No. 36429-072103. (6-0)
File #367

Presentation by Lanford Brothers Company, General Contractors, in connection with the Murray Run Greenway. Alan G. Soltis, Vice President, Spokesperson.
File #80-379-467

3. CONSENT AGENDA

(APPROVED 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #110-132

- C-2 A communication from Mayor Ralph K. Smith transmitting the 2003 Annual Report of the Board of Equalization.

RECOMMENDED ACTION: Receive and file.
File #109-110-162

- C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss terms of a contract in negotiation, pursuant to Section 2.2-3711 (A)(30), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #104-132

- C-4 Qualification of the following persons:

Clifford R. Weckstein as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005;

Darlene L. Burcham as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2006;

Paula L. Prince as a member of the City Planning Commission, for a term ending December 31, 2004; and

William B. Hopkins, Jr., to fill the unexpired term of Robert Humphreys, resigned, ending June 30, 2004; and George Kegley and Charles E. Jordan for terms ending June 30, 2004, as members of the Roanoke Arts Commission.

RECOMMENDED ACTION: Receive and file.
File #15-110-200-230-242-326

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Request of Brian J. Wishneff, representing Citizens for a Sensible Stadium, to present issues of concern regarding Victory Stadium. (10 minutes) (Sponsored by Mayor Smith and Council Member Wyatt)

A public forum will be held on Thursday, July 31, 2003, at 7:00 p.m. at the Roanoke Civic Center, on the proposed stadium/amphitheater project.

File #122

Council Member Bestpitch left the meeting.

- b. Presentation by the Fair Housing Board with regard to accomplishments of the Board during the past year. Brenda Powell, Chair. (10 minutes) (Sponsored by the City Manager.)

Received and filed.

File #110-178

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

1. Authorization to apply for acceptance into the Certified Local Government Program of the Virginia Department of Historic Resources.

Adopted Resolution No. 36430-072103. (5-0)

File #216-450

2. Acceptance of Juvenile Accountability Incentive Block Grant Program funds, in the amount of \$34,706.00; and execution of an agreement with the Department of Criminal Justice Services.

Adopted Budget Ordinance No. 36431-072103 and Resolution No. 36432-072103. (5-0)
File #60-236-304

3. Acceptance of a Local Government Challenge Grant, in the amount of \$5,000.00, from the Commonwealth of Virginia Commission for the Arts.

Adopted Budget Ordinance No. 36433-072103 and Resolution No. 36434-072103. (5-0)
File #60-236

4. Adoption of the Workforce Investment Area III Chief Local Elected Officials Charter Agreement.

Adopted Resolution No. 36435-072103. (5-0)
File #246

5. Appropriation of \$15,000.00 in State grant funds for the Fifth District Disability Services Board.

Adopted Budget Ordinance No. 36436-072103. (5-0)
File #60-236-326

6. Allocation of the remaining \$50,000.00 from the Derelict Structures Fund grant to the Blue Ridge Housing Development Corporation; and execution of an agreement with the Blue Ridge Housing Development Corporation to renovate property located at 1018 Jamison Avenue, S. E.

Action on the resolution was deferred pending clarification by the City Manager of the \$70,000.00 to be committed by Blue Ridge Housing Development Corporation and \$30,000.00 to be committed by Total Action Against Poverty. Further clarification was requested as to how Derelict Structures Fund grants have been used in the past and future opportunities for expenditure of funds.
File #60-178-236

BRIEFINGS:

7. Pavement Cut Policy (30 minutes)

The briefing was deferred until the August 4, 2003 meeting of Council.

File #57

8. Zoning Ordinance Update (15 minutes)

The briefing was deferred until the August 4, 2003 meeting of Council.

File #51

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board to appropriate funds to various accounts; and a report of the Director of Finance recommending that Council concur in the request.

Adopted Budget Ordinance No. 36437-072103. (5-0)

File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Cutler read into the record a communication from Whittington W. Clement, Secretary of Transportation, in connection with a resolution adopted by Council in support of rail alternatives to complement planned improvements to I-81.
File #316**

**Council Member Wyatt requested a briefing with regard to the traffic situation at Brandon Oaks Retirement Community.
File #20**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

**Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of renovation of Victory Stadium.
File #122**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., encouraged Council to hold the public forum with regard to Victory Stadium on a Saturday to allow for more citizen participation.
File #122**

12. CITY MANAGER COMMENTS:

The meeting was declared in recess for two Closed Sessions.

CERTIFICATION OF CLOSED SESSION. (5-0)

Appointments to the following:

**Roanoke Valley-Alleghany
Regional Commission
File #15-110-326**

**Jennifer L. Pfister for a
term ending June 30,
2006.**

**Flood Plain Committee
File #15-237**

**Edgar V. Wheeler for a
term ending June 30,
2004.**

**THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE
RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JULY 21, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Council Member Bestpitch was absent.)

The Invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

Welcome. Vice-Mayor Harris.

NOTICE:

The meeting was televised live by RVTV Channel 3 to be replayed on Wednesday, July 23, 2003, at 7:00 p.m., and Sunday, July 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

The Shining Star Award was presented to Melissa Williams.

File #80

Presentation by Emergency Medical Services recognizing 75 years of service to the City of Roanoke. Ken Harper, Spokesperson.

File #70-80

B. PUBLIC HEARINGS:

Mayor Smith entered the meeting.

1. Opening of bids and public hearing for a lease extension agreement to an existing lease of City-owned buildings located at 117 and 119 Norfolk Avenue, S. W.

Adopted Ordinance No. 36438-072103. (5-0)

File #32-166-373

Council Member Fitzpatrick entered the meeting.

2. Request of Boutros and Sheila Melki that a tract of land located at 926 Indiana Avenue, N. E., identified as Official Tax No. 3060505, be rezoned from RM-1, Residential Multifamily, Low Density District, to CN, Neighborhood Commercial District. Eric R. Spencer, Attorney.

Denied.

File #51

3. Request of HASI Partnership to amend proffered conditions set forth in Ordinance No. 30040-52190, repealed and amended by Ordinance No. 31443-051793, in connection with property located at 3342 Melrose Avenue, N. W., identified as Official Tax No. 2660417. Edward A. Natt, Attorney.

Adopted Ordinance No. 36439-072103. (6-0)

File #51

4. Proposal of the City of Roanoke to allow encroachment into the public right-of-way of four modular newsracks, two of which are to be located near the SunTrust Building, 510 Jefferson Street, S. E., and two to be located at Market Square, S. E., near Center In The Square. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36440-072103. (6-0)
File #28-227-277-425

5. Proposal of the City of Roanoke to lease a portion of the Summit Water Tank and ground site to Nextel WIP Lease Corp., d/b/a Nextel Partners, for installation of antennas and related equipment thereon to provide for radio and wireless telecommunications services. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36441-072103. (6-0)
File #373-383-468-472

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mr. George Gunther, 3038 Melrose Avenue, N. W., expressed concern with regard to the management of Melrose Towers.
File #66-178

Ray Lewis, former School Resource Officer at Patrick Henry High School, advised that he would withdraw his grievance which was filed against the Police Department if the City Manager will agree not to change the School Resource Officer Program.
File #5-467

The following persons addressed Council with regard to Victory Stadium:

**Brian Wishneff, 2913 Wycliffe Avenue, S. W.
Marty Gordon, 2720 Peppersfairy Road, Christiansburg, Virginia
Robert Andrews, 1212 Lakewood Drive, S. W.
Tom Link, 2201 Carolina Avenue, S. W.
John Graybill, 2443 Tillett Road, S. W.
Tom Bradley, 2042 Westover Avenue, S. W.
Elliot Wheeler, 1408 Maiden Lane, S. W.
Mark Hurley, 1018 Howlbert Avenue, S. W.
Barbara Myler, 912 Stewart Avenue, S. E.
Jim Fields, 17 Ridgecrest Road, Hardy, Virginia
Richard Lucas, 3019 Corbieshaw Road, S. W.
Robert Lynch, 2810 Floraland Drive, N. W.
Sherman Lea, 1638 Lona Drive, N. W.
The Reverend Johnny Stone, 1801 Lynn Street, N. W.
Michael Flanery, 2211 Wycliffe Avenue, S. W.
Angela Norman, 1731 Michael Street, N. W.
Chris Craft, 1501 East Gate Avenue, N. E.
Robert Gravely, 3360 Hershberger Road, N. W.
Evelyn D. Bethel, 35 Patton Avenue, N. E.
E. Duane Howard, 508 Walnut Avenue, S. W.
Don Divers, 6112 Buckland Mill Road, N. W.
Allison Blanton, 1701 Arlington Road, S. W.
Bill Tanger, 257 Dancing Tree Lane, Botetourt, Virginia
File #122**

**THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE
RECONVENED ON THURSDAY, JULY 31, 2003, AT 7:00 P.M., AT
THE ROANOKE CIVIC CENTER.**